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ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-2927
Minority (202) 225-3641

September 23, 2022

Mr. Adam Mosseri
Head of Instagram
Instagram
1 Hacker Way
Menlo Park, CA 94025

Dear Mr. Mosseri:

We write with significant concerns regarding the use of Instagram by drug dealers to sell illicit and deadly substances, especially to children and minors. We have read numerous reports and heard personal stories from parents who have tragically lost their children to fentanyl and fentanyl-related substances from pills purchased from drug dealers on Instagram.¹² The loss of these young lives shows not enough is being done to crack down on this illegal activity and prevent criminals from exploiting your platform to sell this deadly poison.

Our country's communities and families are facing an unprecedented crisis due to the increasingly widespread presence of fentanyl and fentanyl-related substances. In 2021, nearly 108,000 people died of drug overdoses; 71,000 of which were from fentanyl or fentanyl-related substances.³ Between FY2020 and FY2021, more than 10,000 pounds of illicit fentanyl were seized at our southern border, enough to kill every American seven times over. Law enforcement in communities across the country are seizing record amounts of illicit fentanyl pills, including a case earlier this summer where two Washington State men were arrested in California with 1 million pills containing fentanyl.⁴

The widespread availability and sale of these illicit pills containing fentanyl has led to record levels of overdose deaths. Every overdose is a tragedy and more must be done to facilitate

¹ <https://www.washingtonpost.com/technology/2021/09/28/tiktok-snapchat-fentanyl/>

² <https://www.nytimes.com/2022/05/19/health/pills-fentanyl-social-media.html>

³ <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.html>

⁴ <https://www.dea.gov/press-releases/2022/07/14/dea-los-angeles-field-division-makes-historic-seizure-approximately-1>

access to treatment for those suffering from a substance use disorder (SUD). However, many of these overdose deaths are unrelated to SUDs and have occurred in individuals taking a single pill they thought was prescription medication but was instead counterfeit and laced with fentanyl. According to the Drug Enforcement Agency (DEA), these fake pills are often manufactured to resemble “real prescription opioid medications such as oxycodone (Oxycontin®, Percocet®), hydrocodone (Vicodin®), and alprazolam (Xanax®); or stimulants like amphetamines (Adderall®).”⁵

Tragically, in these instances, traditional methods to combat opioid addiction and overdoses, such as SUD treatment or distribution of fentanyl test strips, are not effective. More must be done to combat this epidemic of tragic overdoses, and Instagram must do more to combat the illegal activity on its platform. A consistent theme of this crisis is the purchasing of pills believed to be something else by teenagers and youth using Instagram’s platform. Instagram must do more to combat the use of its platform for illegal activity, especially drug dealers peddling this dangerous poison.

To that end, please respond to the following questions and requests for information by October 7th, 2022:

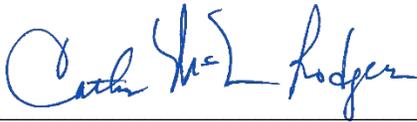
1. How many requests from law enforcement has Instagram received related to the use of its platform to market illicit pills containing fentanyl?
 - a. Please detail how Instagram responded to such requests.
2. How many accounts has Instagram proactively flagged for law enforcement related to the use of its platform to market illicit pills containing fentanyl?
3. How many accounts has Instagram banned related to the use of its platform to market illicit pills containing fentanyl?
4. How many instances of overdose deaths are associated with the use of Instagram’s platform to market illicit fentanyl pills has Instagram tracked? Please list those instances.
5. How many times has Instagram used the liability protections in Sec. 230 of the Communications Decency Act (47 U.S. Code § 230) to avoid liability for the use of its platform to market illicit pills containing fentanyl that resulted in an overdose death? Please list the instances.
6. What tools does Instagram provide (or is planning on providing) to parents concerned about their children using Instagram to purchase illicit substances on its platform?
7. Please detail any other actions Instagram is actively taking to combat the use of its platform by drug dealers and other criminal actors. For example:

⁵ <https://www.dea.gov/press-releases/2022/07/14/dea-los-angeles-field-division-makes-historic-seizure-approximately-1>

- a. Is Instagram tracking other accounts that are associated with a questionable account to see how user traffic is being pushed to the drug dealer's account?
- b. Is there a sharing of information with other social media companies on individuals involved in illicit activity?

If you have any questions, please contact Minority committee staff at (202) 225-3641.

Sincerely,



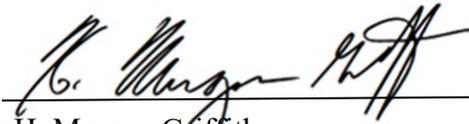
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